WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 824

(By Mr. Harmon)

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PASSED March 8, 1974
In Effect July 1, 1974
Passage

FILED IN THE OFFICE
EDGAR F. BECKELL III
SECRETARY OF STATE
THIS DATE 3-19-74
AN ACT to amend and reenact section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state board of health; appointment of members; compensation and expenses of members.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. STATE DEPARTMENT OF HEALTH.

§16-1-2. Board of health—Body corporate, etc.; membership; appointment and removal of members; compensation.

There shall be a state board of health, to be known as the West Virginia board of health, which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board of health shall consist of nine members, who shall be appointed by the governor, by and with the advice and consent of the Senate. Three members of the board shall be physicians or surgeons holding the degree of doctor of medicine, one shall be a dentist, one shall be an osteopathic physician, one shall be a pharmacist, one shall be chosen as the representative of the hospitals licensed in the state of West Virginia and two shall be representative citizens, neither of which said representative citizens shall be
an employee of, or connected in any way with any hospital licensed in this state and neither of whom shall be a member of any of the professions named above.

All persons appointed to membership on the state board of health shall be citizens of this state and shall have been such citizens and residents of the state for at least five years prior to the date of their appointment. Every professional member of the said board shall be duly licensed to practice his profession in this state on the date of his appointment and shall have been so licensed and have been actively practicing his profession for at least five years immediately preceding the date of such appointment. Before appointing any professional member, the governor shall request the state professional society of the profession practiced by any proposed appointee to furnish to the governor a full and complete report concerning the qualifications and suitability of the proposed appointee. All members of the board shall be appointed for terms of nine years each, except that the persons originally appointed, shall be appointed to serve for designated terms beginning on the first day of July, one thousand nine hundred forty-nine, and continuing for one, two, three, four, five, six, seven, eight and nine years, respectively. Upon the expiration of such initial appointments the term of each new appointee shall be nine years. Any vacancy on the board shall be filled by the governor by appointment for the unexpired term.

No more than five of the members of the board shall belong to the same political party. Not less than one nor more than three members shall be appointed from the same congressional district. No person shall be eligible for appointment to membership on the state board who is a member of any political party executive committee, or who holds any public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or who is an appointee or employee of the board. All members shall be eligible for reappointment.

No member may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed
by law for the removal by the governor of state elective
officers: Provided, That the expiration or revocation of the
professional license of any professional member of the board
shall be cause for his removal.

The members of the board shall be paid the sum of thirty-
five dollars for each day actually served in attendance at
official meetings of the board. Each member shall be
reimbursed for travel at the rate of twelve cents per mile
if by private automobile and actual cost if travel is by common
carrier. Each member shall also be reimbursed for other
actual expenses incurred in the performance of the duties of
his office.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

D. Darrel Clark
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect July 1, 1974.

Howard W. Mann
Clerk of the Senate

Clerk of the House of Delegates

J. P. Brotherton, Jr.
President of the Senate

Lewis F. Hanway
Speaker House of Delegates

The within _______ approved this the ______th
day of ________, 1974.

Aubrey R. Shank, Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 3/15/74

Time 2:50 p.m.